

### **REMARKS**

This Amendment is in response to the first Office action (Paper No. 20070428) mailed on 2 May 2007. Reexamination and reconsideration are respectfully requested.

#### **Listing of The Claims**

Pursuant to 37 CFR §121(c), the claim listing, including the text of the claims, will serve to replace all prior versions of the claims, in the application.

#### **Status of The Claims**

Claims 1 through 33 are pending in this application.

#### **Amendment of The Claims**

Claims 1, 5, 6, 8, 21, 28, 32 and 33 are amended.

#### **Issues Raised by Paper No. 20070428**

##### **Claim Rejections – 35 U.S.C. §112**

**Rejection of Claims 32 and 33 under 35 U.S.C. §112, second paragraph as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.**

Claims 32 and 33 are rejected under 35 U.S.C. §112, second paragraph as being indefinite in that it fails to point out what is included or excluded by the claim language.

Regarding claims 32 and 33, on page 2 of the Office paper no. 20070428, the Examiner stated that “the claimed ‘Computer-readable medium’ is not defined in the original disclosure, e.g. the computer-readable medium may include, but is not limited to, floppy diskettes, optical disks,

CD-ROMs, and magneto-optical disks, ROM, RAMs, EPROMs, EEPROMs, magnet or optical cards, flash memory, or other type of media/machine-readable medium suitable for storing electronic instructions”. Applicant respectfully traverses.

**First, respectfully, “computer-readable medium” is an art-recognized term and has been used extensively in patent disclosure.** A search over recent U.S. Patent activities results in over 27484 issued patents that claim a “computer-readable medium”, including, among the others, U.S. Patent NOs. 7,222,367, 7,222,343, 7,222,300, 7,222,294, 7,222,185, etc.

**Secondly, respectfully, “computer-readable medium” has been defined in paragraph [0037] of the original disclosure.** See the cited passage of paragraph [0037]:

“[0037] The computer-readable media includes all possible kinds of recording media in which computer-readable data is stored. The computer-readable media include storing media, such as magnetic storing media (*e.g.*, ROMs, floppy disks, hard disk, and the like), optical reading media (*e.g.*, CD-ROMs (compact disc-read-only memory), DVDs (digital versatile discs), re-writable versions of the optical discs, and the like), system memory (read-only memory, random access memory), flash memory, and carrier waves (*e.g.*, transmission via the Internet). Also, the computer-readable media can store and execute computer-readable codes that are distributed in computers connected via a network”.

The Examiner’s attention is invited to note that “media” is the correct plural of “medium”.

**Thirdly,** the Examiner has questioned whether claim 32 or 33 are omnibus claims. Applicant notes that in *Manual of Patent Examining Procedure*, 8<sup>th</sup> Edition, Rev. 3 (May 2007), an omnibus claim reads as follows:

“A device substantially as shown and described”.

For the information of the Examiner, an omnibus claim is a particular style of claim<sup>1</sup> written in the

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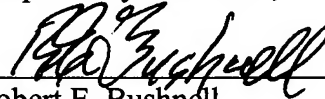
<sup>1</sup> See, for example, *Ex parte Fressola*, Appeal No. 93-0828 (BPAI 1993).

form of a device substantially as shown and described or as any and all features of novelty described, referred to, exemplified, or shown<sup>2</sup>. Here, neither claim 32 nor 33 uses an omnibus style. Accordingly, this rejection is improper and may not be maintained. It withdrawal is respectfully urged.

In view of the foregoing amendments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. If there are any questions, the examiner is asked to contact the applicant's attorney.

No fee is incurred by this Amendment.

Respectfully submitted,



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<sup>2</sup> Landis on Mechanics of Patent Claim Drafting by Robert C. Faber, Fifth Edition.